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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
the Swiss Federal Department of Foreign Affairs
and
the “Executive Campus HSG of St Gallen University”

in the framework of the Swiss Chair
of the Committee of Ministers of the Council of Europe

CONFERENCE

on “Democracy and decentralisation -
Strengthening democratic institutions through participation”

St Gallen, Switzerland, 3-4 May 2010

WORKSHOP No. 4:
Referendum at Regional and Municipal Level
Guidelines for discussion

Democracy and Decentralisation

May, 3rd–4th 2010
Executive Campus, University of St. Gallen

Workshop n. 4: Referendum at Regional and Municipal Level

Guidelines for Discussion

Goals of the workshop

The main goal of the workshop is to address the question of advantages and disadvantages of various forms of direct democracy (citizens' initiatives and referendums) at the local level: municipality and region. While most of the literature on the quality of democracy stresses the advantages of such institutions for democratic participation and competence, many policy studies show negative implications of direct democracy for local finances. What are the democratic and policy implications of the use of referendums at the decentralised level?

Outline of the topic

Few countries have direct democracy institutions alongside representative institutions. Also few have them at the local level, whether the municipal or the regional one. The two main such examples are Switzerland and the United States. While in Switzerland referendums and citizens' initiatives exist at the municipal, cantonal and federal level, in the United States they do not exist in all states. Where they do exist, they have been the object of a growing number of scientific studies.

In many European countries the use of referendums increased in the last years, especially as a consequence of ratification procedures of EU treaties. Even in countries which have traditionally been adverse to direct democracy such as Germany and the United Kingdom, discussions have intensified over the last year about the usefulness of such institutions, especially at the local level. In the meantime, scientific research has accumulated a number of interesting results on the impact of referendums at the local level. While such results vary extensively depending on the local context, they offer starting block for a broader public discussion.

Two areas of discussion can be distinguished:

- First, the impact of referendums on the *quality of democracy*. It is often argued that democracy relies on participation which, in turn, to be effective relies on citizens' competence in public matters. Direct democracy at the local level enhances both participation and competence by touching upon matters and issues that are most relevant for citizens in their daily life.

- Second, the impact of referendums on *government and institutions*. Research shows that municipalities and regions in which direct democracy mechanisms exist tend to have higher levels of expenditure which puts public budgets under strain. Yet it also shows a positive impact on quality of life in cities as well as on environmental standards.

It may therefore be useful to structure the discussions of the panel along these two lines. The workshop should assess the extent to which there is a "trade off" between them. The workshop should also try to incorporate various perspectives, from political science and constitutional law, and thus have a multi-disciplinary character. It will also be useful to combine a more academic with a more practice-oriented approach, with examples from practitioners at the forefront.

Questions for discussion

Part 1 Before the coffee break: "*Citizens' competence and participation*"

- What discussions and what positions exist in the various European countries on the introduction of referendums at the local level? What are the main arguments that are put forward?
- Is it true that referendums increase participation and citizens' competence or, on the contrary, does it present voters with simplified "black-and-white" alternatives who reduce the complexity of matters? Is it an instrument that increases the emotionality of technical matters, and therefore radicalises debates?
- To what extent should citizens' be confronted with complex local matters?
- To what extent do popular votes against the indications of local authorities undermine their legitimacy and future credibility? Are representative and direct democracy incompatible when any matter can be the object of a referendum?
- Should popular votes at the local level be limited to consultative referendums, that do not make the vote binding?

Part 2 After the coffee break: "*The impact of referendums at the local level*"

- What are the links between federal, regional and local direct democracy? Is homogeneity between levels required or should specific types of direct democracy be more prominent at the local level than at the other tiers? Should a European tier of direct democracy develop in parallel to lower tiers?
- Should there be limits in the matters that can be put to a direct popular vote? Are there government domains that should remain "protected" from possible instrumental use by populist parties?
- What is the risk that referendums at the local level are monopolised by lobbies pursuing private rather than public interests? Do the resources available to such lobbies distort the democratic spirit of direct democracy?
- What can we learn from the Californian (bad) example of direct votes on the state's budget and taxation issues? Does "Proposition 13" harm direct democracy beyond California?

- What is to be made by the consistent empirical finding that direct democracy at the local level tends to increase governments' expenditures? How realistic is it that citizens' vote on budgetary items without knowledge of the overall expenditure and revenue scheme?
- Results from scientific studies show that local referendums lead to better living conditions (transportation, urban planning, green areas, etc.). Is the local way the one to pursue for environmental issues?

Organisational matters

Schedule:

09.30–11.00: Introduction and welcome by Beat Hirs

"Citizens' competence and participation"

Presentations by Arne Mirian Mavcic, Uwe Serdult and Gérard Marcou

11.00–11.30: Coffee break

11.30–13.00: *"The impact of referendums at the local level"*

Presentations by Peter Neumann, Dobrica Milovanovic and Anna Gamper

Conclusions by Jean-Claude Colliard, Beat Hirs and Daniele Caramani

Each panelist should speak about 15 minutes.

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